UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-- X

EDWARD CARTER, FRANK FIORILLO, KEVIN
LAMM, JOSEPH NOFI, and THOMAS SNYDER,

                          Plaintiffs,

            -against-

INCORPORATED VILLAGE OF OCEAN BEACH;
MAYOR JOSEPH C. LOEFFLER, JR., individually and
in his official capacity; former mayor NATALIE K.
ROGERS, individually and in her official capacity,
OCEAN BEACH POLICE DEPARTMENT; ACTING
DEPUTY POLICE CHIEF GEORGE B. HESSE,
individually and in his official capacity; SUFFOLK
COUNTY; SUFFOLK COUNTY POLICE
DEPARTMENT; SUFFOLK COUNTY
DEPARTMENT OF CIVIL SERVICE; and ALISON
SANCHEZ, individually and in her official capacity,

                          Defendants.

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**RESPONSE TO PLAINTIFFS'
SECOND SET OF
INTERROGATORIES**

Index No.: 07 CV 1215 (SJF)(ETB)

DEFENDANT ACTING DEPUTY POLICE CHIEF GEORGE B. HESSE'S RESPONSES AND OBJECTIONS TO PLAINTIFFS' SECOND SET OF INTERROGATORIES

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure and the Local Rules

of the United States District Court for the Eastern District of New York ("Local Civil Rules"),

Defendant Acting Deputy Police Chief George B. Hesse ("Defendant Hesse") hereby responds

and objects to Plaintiffs' Second Set of Interrogatories ("Requests"), in accordance with the

numbered requests as set forth below. These responses and objections reflect Defendant Hesse's

current knowledge and the results of their investigation to date. Information that Defendant

Hesse may obtain from the parties to this litigation and/or from any other person through future

use of discovery procedures, or otherwise, may be relevant to the substance of Defendant

Hesse's instant responses, and Defendant Hesse does not purport to be providing such

{NY061754.1}

information, if any, in the instant responses. Defendant Hesse reserves the right to amend or supplement these responses in the future in accordance with Fed. R. Civ. P. 26(e)(1) as may be necessary or appropriate.

GENERAL OBJECTIONS

Defendant Hesse objects to plaintiffs' Requests on the following general grounds. All applicable general objections are also included among Defendant Hesse's specific objections to each of Plaintiffs' Requests.

1.   Defendant Hesse objects to each Request to the extent that it seeks information or documents that are irrelevant, immaterial, and not reasonably calculated to lead to the discovery of admissible evidence in this action. Defendant Hesse objects to each Request to the extent that it is overly broad, oppressive or unduly burdensome.

2.   Defendant Hesse objects to each Request to the extent that it seeks the disclosure of confidential personal, medical and/or business information or documents concerning Defendant Hesse, the disclosure of which would violate the privacy of Defendant Hesse unless an appropriate Order of this Court protecting the confidentiality of such information or documents is in place.

3.   Defendant Hesse objects to each Request to the extent that it seeks the disclosure of confidential information that concerns individuals other than Defendant Hesse who are not parties to this action, the disclosure of which violate the privacy interests of such individuals.

4.   Defendant Hesse objects to each Request to the extent that it is vague, ambiguous and/or lacks sufficient specificity so that Defendant Hesse cannot understand what

information and/or documents Plaintiff are seeking and is unable to formulate a responsive answer.

5.   Defendant Hesse objects to each Request to the extent that it is calls for legal conclusions or seeks information or documents that are protected from disclosure under the attorney-client privilege, the work-product doctrine, and/or any other applicable privilege, protection, statute, rule, regulation or common law principle.   Inadvertent identification or production of any such document or information shall not constitute a wavier of any privilege with respect to the subject matter thereof or the information contained therein, and shall not waive the right of Defendant Hesse's objection to the use of any such document or the information contained therein during any subsequent proceeding.

6.   Defendant Hesse objects to each Request to the extent that it is reasonably limited in time or seeks information or documents outside the time period relevant to the present litigation.

7.   Defendant Hesse objects to each Request to the extent that it seeks to impose obligations beyond those required by the Federal Rules of Civil Procedure and/or Local Civil Rules.

8.   Defendant Hesse objects to each Request to the extent that it seeks the disclosure of information already known or available to Plaintiffs or documents in Plaintiffs' possession that are more readily obtained by Plaintiffs without subjecting Defendants to unreasonable burden and expense.

9.   Defendant Hesse objects to each Request to the extent that it calls for a narrative and/or requires Defendant Hesse to conduct investigatory activities on Plaintiffs.

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10.   Defendant Hesse objects to each Request to the extent that it is duplicative or cumulative of other requests

Defendant, **ACTING DEPUTY POLICE CHIEF GEORGE B. HESSE, individually and in his official capacity**, pursuant to Fed. R. Civ. P. 34, as and for his response to Plaintiffs' Second Set of Interrogatories, does hereby upon information and belief allege as follows:

<u>INTERROGATORY 1:</u>

Identify each and every entry posted by Defendant Hesse on any internet "Blog(s)" or electronic message board(s), including without limitation, (i) www.theschwartzreport.com; and/or (ii) www.lipolitics.com, from January 1, 2004 to the present, concerning: (i) Plaintiffs; (ii) Ocean Beach, including without limitation, any residents of, or visitors to, Ocean Beach; (iii) the OBPD, including without limitation, any employees or other workers at the OBPD; and/or (iv) Defendant Hesse's law enforcement experience, authority or qualifications.   For each entry identified in response to this Interrogatory include, (i) the username, screen-name or account identification associated with the entry; (ii) the date the entry was created, posted, modified and/or deleted; (iii) the computer used to create, post, modify and/or delete the entry; and (iv) the internet address(es) at which the entry could be viewed, read or accessed by any person(s) other than Defendant Hesse.

ANSWER:	Blog Number:	22
	(i) Username:	Still Employed (junior member)
	(ii) Date entry posted:	April 16, 2006 - 8:53 AM
	(iii) Computer used to create the entry:	Unknown
	(iv) The internet address:	151.202.12.182
ANSWER:	Blog Number:	25
	(i) Username:	Still Employed (junior member)
	(ii) Date entry posted:	April 17, 2006 - 7:59 AM
	(iii) Computer used to create the entry:	Unknown
	(iv) The internet address:	141.152.246.64
ANSWER:	Blog Number:	26

(i) Username: Concerned for you (junior member)
(ii) Date entry posted: April 17, 2006 - 1:30 PM
(iii) Computer used to create the entry: Unknown
(iv) The internet address: 141.152.246.64

ANSWER: Blog Number: 53
(i) Username: n/a
(ii) Date entry posted: April 29, 2006 - 9:38 PM
(iii) Computer used to create the entry: Unknown
(iv) The internet address: 141.157.220.87

ANSWER: Blog Number: 63
(i) Username: n/a
(ii) Date entry posted: May 10, 2006 - 11:37 PM
(iii) Computer used to create the entry: Unknown
(iv) The internet address: 69.113.30.203

ANSWER: Blog Number: 125
(i) Username: stillemployed2
(ii) Date entry posted: June 22, 2006 - 2:14 PM
(iii) Computer used to create the entry: Unknown
(iv) The internet address: 141.157.237.17

ANSWER: Blog Number: 190
(i) Username: English 101
(ii) Date entry posted: December 28, 2006 - 8:23 AM
(iii) Computer used to create the entry: Unknown
(iv) The internet address: 141.152.251.253

ANSWER: Blog Number: 191
(i) Username: NICCCCCE
(ii) Date entry posted: December 28, 2006 - 8:25 AM
(iii) Computer used to create the entry: Unknown
(iv) The internet address: 141.152.251.253

ANSWER: Blog Number: 192
(i) Username: NICCCEEE
(ii) Date entry posted: December 29, 2006 - 8:41 AM
(iii) Computer used to create the entry: Unknown
(iv) The internet address: 141.152.251.253

ANSWER: Blog Number: 213
(i) Username: guest1234
(ii) Date entry posted: March 29, 2007 - 5:43 PM
(iii) Computer used to create the entry: Unknown
(iv) The internet address: 69.113.30.203

ANSWER: Blog Number: 216
            (i) Username: dah1234
            (ii) Date entry posted: March 31, 2007 - 3:52 PM
            (iii) Computer used to create the entry: Unknown
            (iv) The internet address: 69.113.30.203

ANSWER: Blog Number: 234
            (i) Username: Love the OBPD
            (ii) Date entry posted: April 14, 2007 - 11:56 AM
            (iii) Computer used to create the entry: Unknown
            (iv) The internet address: 69.113.30.203

ANSWER: Blog Number: 235
            (i) Username: DUKE DUKE DUKE
            (ii) Date entry posted: April 14, 2007 - 12:05 PM
            (iii) Computer used to create the entry: Unknown
            (iv) The internet address: 69.113.30.203

ANSWER: Blog Number: 274
            (i) Username: nifong number 2
            (ii) Date entry posted: August 23, 2007 - 6:50 PM
            (iii) Computer used to create the entry: Unknown
            (iv) The internet address: 69.113.30.203

ANSWER: Blog Number: 285
            (i) Username: holy crap 214
            (ii) Date entry posted: September 3, 2007 - 10:41 PM
            (iii) Computer used to create the entry: Unknown
            (iv) The internet address: 69.113.30.203

ANSWER: Blog Number: 286
            (i) Username: go figure lol
            (ii) Date entry posted: September 4, 2007 - 12:02 AM
            (iii) Computer used to create the entry: Unknown
            (iv) The internet address: 69.113.30.203

ANSWER: Blog Number: 289
            (i) Username: Unregistered235698
            (ii) Date entry posted: September 4, 2007 - 9:54 AM
            (iii) Computer used to create the entry: Unknown
            (iv) The internet address: 69.113.30.203

ANSWER: Blog Number: 292
            (i) Username: Unregistered235698
            (ii) Date entry posted: September 4, 2007 - 3:23 PM

                (iii) Computer used to create the entry: Unknown
                (iv) The internet address: 69.113.30.203

ANSWER: Blog Number: 294
                (i) Username: just the facts mamm
                (ii) Date entry posted: September 4, 2007 - 11:!5 PM
                (iii) Computer used to create the entry: Unknown
                (iv) The internet address: 69.113.30.203

ANSWER: Blog Number: 295
                (i) Username: oh my, one more
                (ii) Date entry posted: September 4, 2007 - 11:20 PM
                (iii) Computer used to create the entry: Unknown
                (iv) The internet address: 69.113.30.203

ANSWER: Blog Number: 296
                (i) Username: and another 414
                (ii) Date entry posted: September 4, 2007 - 11:52 PM
                (iii) Computer used to create the entry: Unknown
                (iv) The internet address: 69.113.30.203

ANSWER: Blog Number: 301
                (i) Username: FREE THE THREE
                (ii) Date entry posted: September 5, 2007 - 10:40 PM
                (iii) Computer used to create the entry: Unknown
                (iv) The internet addres :   69.113.30.203

ANSWER: Blog Number: 303
                (i) Username: unregistered me
                (ii) Date entry posted: September 6, 2007 - 5:39 PM
                (iii) Computer used to create the entry: Unknown
                (iv) The internet address: 69.113.30.203

ANSWER: Blog Number: 312
                (i) Username: morons all
                (ii) Date entry posted: September 8, 2007 - 1:59 PM
                (iii) Computer used to create the entry: Unknown
                (iv) The internet address: 141.152.213.25

ANSWER: Blog Number: 397
                (i) Username: Unregistereddirty
                (ii) Date entry posted: April 14, 2009 - 7:59 PM
                (iii) Computer used to create the entry: Defendant Hesse personal computer
                (iv) The internet address: 69.113.27.175

ANSWER: Blog Number: 407

	(i) Username:	Unregistereddirty1
	(ii) Date entry posted:	April 15, 2009 - 1:37 PM
	(iii) Computer used to create the entry:	Defendant Hesse personal computer
	(iv) The internet address:	69.113.27.175

ANSWER: Blog Number: 413
(i) Username: Unregistereddirty1again
(ii) Date entry posted: April 15, 2009 - 3:12 PM
(iii) Computer used to create the entry: Defendant Hesse personal computer
(iv) The internet address: 69.113.27.175

ANSWER: Blog Number: 414
(i) Username: Unregistereddirtyhaha
(ii) Date entry posted: April 15, 2009 - 3:13 PM
(iii) Computer used to create the entry: Defendant Hesse personal computer
(iv) The internet address: 69.113.27.175

ANSWER: Blog Number: 431
(i) Username: Unregistereddirty
(ii) Date entry posted: April 16, 2009 - 7:13 PM
(iii) Computer used to create the entry: Defendant Hesse personal computer
(iv) The internet addres : 69.113.27.175

ANSWER: Blog Number: 445
(i) Username: Unregistereddirty
(ii) Date entry posted: April 19, 2009 - 9:24 PM
(iii) Computer used to create the entry: Defendant Hesse personal computer
(iv) The internet address: 69.113.27.175

ANSWER: Blog Number: 478
(i) Username: Unregistereddirty
(ii) Date entry posted: April 20, 2009 - 7:04 PM
(iii) Computer used to create the entry: Defendant Hesse personal computer
(iv) The internet address: 69.113.27.175

ANSWER: Blog Number: 479
(i) Username: Unregistereddirty
(ii) Date entry posted: April 20, 2009 - 7:10 PM
(iii) Computer used to create the entry: Defendant Hesse personal computer
(iv) The internet address: 69.113.27.175

ANSWER: Blog Number: 488
(i) Username: Unregistereddirty
(ii) Date entry posted: April 21, 2009 - 9:46 AM
(iii) Computer used to create the entry: Defendant Hesse personal computer
(iv) The internet address: 69.113.27.175

ANSWER:	Blog Number:	489
	(i) Username:	Unregistereddirty
	(ii) Date entry posted:	April 21, 2009 - 9:50 AM
	(iii) Computer used to create the entry:	Defendant Hesse personal computer
	(iv) The internet address:	69.113.27.175

ANSWER:	Blog Number:	493
	(i) Username:	Unregistereddirty
	(ii) Date entry posted:	April 21, 2009 - 6:40 PM
	(iii) Computer used to create the entry:	Defendant Hesse personal computer
	(iv) The internet address:	69.113.27.175

ANSWER:	Blog Number:	497
	(i) Username:	Unregisteredhello
	(ii) Date entry posted:	Aprl 22, 2009 - 8:44 AM
	(iii) Computer used to create the entry:	Defendant Hesse personal computer
	(iv) The internet address:	69.113.27.175

ANSWER:	Blog Number:	502
	(i) Username:	Uneregistereddirty
	(ii) Date entry posted:	May 5, 2009 - 1:05 PM
	(iii) Computer used to create the entry:	Defendant Hesse personal computer
	(iv) The internet address:	69.113.27.175

ANSWER:	Blog Number:	529
	(i) Username:	Unregistereddirty
	(ii) Date entry posted:	May 6, 2009 - 8:44 PM
	(iii) Computer used to create the entry:	Defendant Hesse personal computer
	(iv) The internet address:	69.113.27.175

ANSWER:	Blog Number:	532
	(i) Username:	Unregisteredhelp
	(ii) Date entry posted:	May 6, 2009 - 9:17 PM
	(iii) Computer used to create the entry:	Defendant Hesse personal computer
	(iv) The internet address:	69.113.27.175

ANSWER:	Blog Number:	533
	(i) Username:	Unregisteredhelp
	(ii) Date entry posted:	May 6, 2009 - 9:22 PM
	(iii) Computer used to create the entry:	Defendant Hesse personal computer
	(iv) The internet address:	69.113.27.175

PLEASE TAKE FURTHER NOTICE that defendant, reserves its right to amend

and/or supplemental the above response should further material become available.

Dated: Elmsford, New York
    August 5, 2009

Kevin William Connolly
Kevin William Connolly (KWC/4450)

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